



# WPDES PERMIT

*STATE OF WISCONSIN*  
*DEPARTMENT OF NATURAL RESOURCES*  
**PERMIT TO DISCHARGE UNDER THE  
WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**Kinnard Farms Inc**

is permitted, under the authority of Chapter 283, Wisconsin Statutes, to manage and utilize manure from a livestock  
facility  
located at  
E2669 County Hwy S  
to

Groundwaters of the Kewaunee River Watershed, Kewaunee River

in accordance with the effluent limitations, monitoring requirements and other conditions set  
forth in this permit.

The permittee shall not discharge after the date of expiration. If the permittee wishes to continue to discharge after  
this expiration date an application shall be filed for reissuance of this permit, according to Chapter NR 200, Wis.  
Adm. Code, at least 180 days prior to the expiration date given below.

State of Wisconsin Department of Natural Resources  
For the Secretary

By \_\_\_\_\_  
Dave Bougie  
Manure Management Specialist

\_\_\_\_\_  
Date Permit Signed/Issued

**PERMIT TERM: EFFECTIVE DATE - October 01, 2006**

**EXPIRATION DATE - September 30, 2011**

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# 1 Livestock Operational and Sampling Requirements

## 1.1 General Discharge Limitations and Performance Standards

Beginning on the effective date of the permit, there shall be no discharge of pollutants to navigable waters from the animal production area except in the event a 25-year, 24-hour rainfall event, or a chronic rainfall event, causes a discharge of pollutants from a storage or containment structure to navigable waters and the following conditions are met:

- The structure is properly designed, constructed and maintained to contain manure, process wastewater, direct precipitation and contaminated runoff from the 25-year, 24-hour rainfall event,
- The permittee is conducting and recording daily and weekly visual inspections and implementing corrective actions in compliance with permit requirements, and
- The discharge complies with surface water quality standards.

Spills and accidental releases must be reported immediately in accordance with the Spill Reporting subsection in the Standard Requirements. Other discharges to navigable waters shall be reported to the Department in accordance with the timeframes specified in the Noncompliance-24 Hour Reporting subsection in the Standard Requirements.

The animal production area includes, but is not limited to: (1) any storage, containment or treatment structures, facilities or areas for manure, raw materials, mortality management and process wastewaters, (2) animal confinement areas including outdoor animal lots and (3) unconfined storage areas (such as headland stacking), if approved.

Manure includes, but is not limited to, manure mixed with bedding, litter or runoff.

Process wastewaters include, but are not limited to, contaminated runoff, milking center wastes, leachate, washwater and other wastewaters associated with raw materials.

Raw materials include, but are not limited to, pesticides, herbicides, fertilizers, silage, haylage, grain and other feed sources. Chronic rainfall events are a series of wet weather conditions that preclude removal of manure or process wastewaters from a properly designed, operated and maintained structure and land application in a safe manner.

Beginning on the effective date of the permit, if this permit contains a construction schedule to install permanent controls, the permittee shall implement interim measures necessary to ensure there is no discharge of pollutants to navigable waters. The limitations in this permit section including the conditions of this subsection (General Discharge Limitations and Performance Standards) apply to all activities covered under this permit, except for land application activities.

All structures shall be designed, constructed and operated to control manure and process wastewater for the purpose of complying with effluent limitations established above in this subsection (General Discharge Limitations and Performance Standards) and complying with groundwater standards. All runoff controls shall be designed for the maximum amount of rainfall generated by a 25-year, 24 hour rainfall event for this location (**Kewaunee County – 4.2 inches**). Uncontaminated runoff shall be diverted away from manure and process wastewater storage and containment areas, raw materials storage and containment areas, and outdoor animal lots. All storage and containment structures shall be operated to maintain adequate freeboard in accordance with the Proper Operations and Maintenance subsection in the Standard Requirements.

Consistent with the conditions of this subsection (General Discharge Limitations and Performance Standards), the permittee shall comply with the following restrictions:

- The permittee may:
  1. have no overflow of manure storage facilities;
  2. have no direct runoff from a feedlot or stored manure to waters of the state;

3. not allow livestock to come into direct contact with navigable waters in the animal production area;
  4. not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent maintenance of adequate sod cover.
- If an unconfined manure pile or stack has been approved by the Department, the permittee may have no unconfined manure pile/stack in a water quality management area defined as:
    1. the areas within 1,000 feet from the ordinary high water mark for navigable waters that consist of a lake, pond, or flowage;
    2. the area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream; or
    3. a site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.

## **1.2 Manure Management**

Manure and other process wastewaters shall be collected and safely spread on land, treated or stored until it can be safely landspread. All landspreading of manure and other process wastewaters shall be completed in accordance with the land application conditions of this permit and the Manure Management Plan once approved, in a manner that does not cause or contribute to the non-attainment of surface water quality standards or groundwater standards. The permittee is required to submit a Manure Management Plan as specified in the Schedules section. The Manure Management Plan shall include provisions for the proper application and utilization of contaminated feedlot runoff, stormwater runoff, milking center wastewaters, compost, and/or compost leachate if it is landspread. This includes provisions addressing requirements for daily spreading records and annual reporting requirements.

## **1.3 Sampling Point(s)**

The permittee is authorized to use only the facilities identified below, in accordance with the specified conditions. The permittee may not install or use new facilities or structures or land apply manure or other process wastewaters from these facilities unless written Department approval is received. A new facility is any facility that is not specifically identified in this permit. If a new facility is approved in writing by the Department, the conditions in the corresponding 'New Facility' sampling point (e.g. Manure Storage Facilities, Runoff Control Systems) will apply.

### **1.3.1 Manure Storage Facilities**

In accordance with the General Discharge Limitations and Performance Standards subsection, manure storage facilities shall be operated and maintained to prevent discharges to navigable waters and to comply with surface water quality standards. In addition, manure storage facilities shall be operated and maintained to minimize leakage for the purpose of complying with groundwater standards. All manure storage facilities shall be maintained with adequate freeboard as specified in the Standard Requirements in order to avoid overtopping. Unless specifically approved and designated by the Department as a sampling point, in-field unconfined storage of manure (headland stacking) is prohibited. The permittee is authorized to use facilities identified below, in accordance with the specified conditions.

Sampling Point Designation	
Sampling Point Number	Sampling Point Location, System Description (including capacity, legal location, and action needed as applicable), and Treatment Description
001	Sample point 001 is a sand settling cell just outside the dairy barns.
002	Sample point 002 is the small first cell of the two stage earthen manure storage structure.
003	Sample point 003 is the second cell of the two stage earthen manure storage structure.
004	Sample point 004 is to be used to track all solid manure that is not consistently mixed in any of the existing manure storage structures.

**Manure Storage Facilities - Action Needed:** For manure storage facilities that are to be installed, evaluated or abandoned (as indicated in the above table), see the Schedules section herein for actions required. Although this permit may require actions for installing permanent facilities, or controls, or modifications to existing facilities, interim measures shall be immediately implemented to prevent discharges of pollutants to navigable waters. Specifically, if monitoring or inspection reports indicate any storage facility may not be able to prevent discharges to navigable waters in accordance with the conditions in the General Discharge Limitations and Performance Standards subsection, the permittee shall immediately install interim control measures to contain the discharges. Plans and specifications for permanent facilities must be submitted to the Department for review and approval in accordance with Chapter 281.41, Wis. Statutes, and Chapter NR 108, Wis. Adm. Code.

### 1.3.2 Runoff Control System(s) - No Sampling Required

In accordance with the General Discharge Limitations and Performance Standards subsection, the permittee shall control contaminated runoff from all elements of the livestock operation to prevent a discharge of pollutants to navigable waters and to comply with surface water quality standards and groundwater standards.

Sampling Point Designation	
Sampling Point Number	Sampling Point Location, System Description (including capacity, legal location, and action needed as applicable), and Treatment Description
005	Sample point 005 is the outdoor feed storage areas. While no chemical sampling is required visual inspections are required to ensure runoff controls are operating as designed.

**Runoff Control System(s) - Action Needed:** For runoff control systems that are to be installed, evaluated or abandoned (as indicated in the above table), see the Schedules section herein for actions required. Although permanent control measures may be required by this permit, interim measures shall be implemented to prevent discharges of pollutants to navigable waters. Specifically, if monitoring or inspection reports indicate that manure or process wastewater may be discharged to navigable waters from the animal production area, in violation of the conditions in the General Discharge Limitations and Performance Standards subsection, the permittee shall immediately install interim control measures to contain the discharges. Plans and specifications for permanent runoff controls must be submitted to the Department for review and approval in accordance with Chapter 281.41, Wis. Statutes, and Chapter NR 108, Wis. Adm. Code.

## 1.4 Monitoring Requirements and Limitations

The permittee shall comply with the monitoring requirements and limitations specified below for the listed sampling point(s), and the following conditions.

**Monitoring and Inspection Program:** Within 90 days of the effective date of the permit, the permittee shall submit a proposed monitoring program, that includes information on the use of models, visual inspections, rainfall records, or other proposed methods to determine compliance with the effluent limitation specified in the General Discharge Limitations and Performance Standards subsection. The proposed monitoring program shall also address compliance with groundwater standards. Visual inspections shall be completed by the permittee or designee beginning on the effective date of the permit and in accordance with the following frequencies:

- Daily inspections for leakage of all water lines that potentially come into contact with pollutants or drain to storage or containment structures or runoff control systems, including drinking or cooling water lines.
- Weekly inspections to ensure proper operation of storm water diversions and devices that channel contaminated runoff to storage or containment structures.
- Weekly inspections of storage and containment structures (e.g., composting and leachate containment systems and manure storage structures). For liquid storage and containment facilities, the berms must be inspected for leakage, seepage, erosion, cracks and corrosion, rodent damage, excessive vegetation and other signs of structural weakness. In addition, the level of material in liquid storage and containment facilities shall be measured and recorded in feet or inches above or below the freeboard level. This measurement shall be based on a depth gauge, if available, or estimated if a depth gauge is not available. The permittee shall also record the date, time and estimated volume of any overflows of liquid storage or containment facilities.
- Quarterly inspections of outdoor animal lots, raw material storage areas, manure and process wastewater handling devices and practices.
- Periodic inspections of land application equipment for leaks. Frequency of land application equipment inspections shall be specified in the monitoring program.

**Corrective Actions:** Corrective actions shall be taken as soon as practicable to address any equipment, structure or system malfunction, failure or other problem identified as a result of monitoring or inspections. The permittee shall contact the Department if the permittee fails to or is unable to take corrective actions within 30 days of identifying a malfunction, failure or other problem.

**Records:** The permittee shall maintain records on site of all completed monitoring and inspections for Department review. In addition, the permittee shall maintain records associated with mortality management. Summaries of these records shall be submitted to the Department in accordance with requirements for Annual Reports in the Standard Requirements. Refer to the Schedules section and the Standard Requirements section for additional details. Any discharges to surface water shall be reported as outlined in ch. NR 205.07(1), Wis. Adm. Code.

### 1.4.1 Sampling Point 001 - Sand Settling Cell; 004- Solid Manure

Monitoring Requirements and Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Nitrogen, Total		lbs/ton	1/ 6 Months	Grab	
Nitrogen, Available		lbs/ton	1/ 6 Months	Calculated	
Phosphorus, Total		lbs/ton	1/ 6 Months	Grab	
Phosphorus, Available		lbs/ton	1/ 6 Months	Calculated	
Solids, Total		Percent	1/ 6 Months	Grab	

**Reporting:** Test results shall be submitted with the Annual Report. Sampling is only required when land applying.

<b>Daily Log Requirements</b>	
All discharge and monitoring activity shall be documented on log sheets. Originals of the log sheets shall be kept by the permittee as described under Records Retention in the Standard Requirements section, and if requested, made available to the Department.	
<b>Parameters</b>	<b>Units</b>
Date of Application	Date
Field ID	Number/Name
Acres Applied	Number of Acres
Manure Source	Specify Storage Facility or Barn
Spreader Volume	Tons or Gallons
Number of Loads	Number
Soil Conditions	Dry, Wet, Frozen, Snow Covered
Temperature During Application	°F
Precipitation During Application	Describe Precipitation
Application Method	Surface Applied, Injected, Incorporated

<b>Annual Report</b>		
Submit an annual report that summarizes all landspreading activity and includes the lab analyses of the manure and other waste landspread, the T compliance worksheet for all fields, and the soil test frequency in the past four years. The Annual Report is due each year by the date specified in the Schedules section of this permit. Nitrogen and phosphorus from all sources including commercial fertilizers shall be included in the "Total Nitrogen" and "Total Phosphorus" sections of the annual report.		
<b>Parameters</b>	<b>Units</b>	<b>Sample Type</b>
Date of Application	Date	-
Field ID	Number/Name	-
Acres Applied	Number of Acres	-
Slope	Percent	-
Soil Test P Ave.	ppm	-
Manure Source	-	Composite
Current Crop	-	-
Crop Nitrogen Needs (per soil test)	Pounds/Acre	-
Crop P <sub>2</sub> O <sub>5</sub> Needs (per soil test)	Pounds/Acre	-

<b>Annual Report</b>		
Submit an annual report that summarizes all landspreading activity and includes the lab analyses of the manure and other waste landspread, the T compliance worksheet for all fields, and the soil test frequency in the past four years. The Annual Report is due each year by the date specified in the Schedules section of this permit. Nitrogen and phosphorus from all sources including commercial fertilizers shall be included in the "Total Nitrogen" and "Total Phosphorus" sections of the annual report.		
<b>Parameters</b>	<b>Units</b>	<b>Sample Type</b>
Manure Analysis: Available Nitrogen	Pounds/Ton	Calculated
Manure Analysis: Available P <sub>2</sub> O <sub>5</sub>	Pounds/Ton	Calculated
Manure Application Rate	Tons/Acre	-
Manure Applied: Nitrogen	Pounds/Acre	-
Manure Applied: P <sub>2</sub> O <sub>5</sub>	Pounds/Acre	-
Previous Crop	-	-
Legume Nitrogen Credit	Pounds/Acre	-
Second Year Manure Credit	Pounds/Acre	-
Additional Fertilizer: Nitrogen	Pounds/Acre	-
Additional Fertilizer: P <sub>2</sub> O <sub>5</sub>	Pounds/Acre	-
Total Nitrogen Applied	Pounds/Acre	-
Total P <sub>2</sub> O <sub>5</sub> Applied	Pounds/Acre	-
Soil Conditions	Dry, Wet, Frozen, Snow Covered	-
Application Method	Surface Applied, Injected, Incorporated	-
Banked	Yes/No	-
Field Restrictions	Per Nutrient Management Plan	-

#### 1.4.2 Sampling Point 002 - Small Earthen Pit; 003- Large Earthen Pit

<b>Monitoring Requirements and Limitations</b>					
<b>Parameter</b>	<b>Limit Type</b>	<b>Limit and Units</b>	<b>Sample Frequency</b>	<b>Sample Type</b>	<b>Notes</b>
Nitrogen, Total		lb/1000gal	2/Discharge	Grab	
Nitrogen, Available		lb/1000gal	2/Discharge	Calculated	
Phosphorus, Total		lb/1000gal	2/Discharge	Grab	
Phosphorus, Available		lb/1000gal	2/Discharge	Calculated	
Solids, Total		Percent	2/Discharge	Grab	

**Reporting:** Test results shall be submitted with the Annual Report. Sampling is only required when land applying.

<b>Daily Log Requirements</b>	
All discharge and monitoring activity shall be documented on log sheets. Originals of the log sheets shall be kept by the permittee as described under Records Retention in the Standard Requirements section, and if requested, made available to the Department.	
<b>Parameters</b>	<b>Units</b>
Date of Application	Date
Field ID	Number/Name
Acres Applied	Number of Acres
Manure Source	Specify Storage Facility or Barn
Spreader Volume	Tons or Gallons
Number of Loads	Number
Soil Conditions	Dry, Wet, Frozen, Snow Covered
Temperature During Application	°F
Precipitation During Application	Describe Precipitation
Application Method	Surface Applied, Injected, Incorporated

<b>Annual Report</b>		
Submit an annual report that summarizes all landspreading activity and includes the lab analyses of the manure and other waste landspread, the T compliance worksheet for all fields, and the soil test frequency in the past four years. The Annual Report is due each year by the date specified in the Schedules section of this permit. Nitrogen and phosphorus from all sources including commercial fertilizers shall be included in the "Total Nitrogen" and "Total Phosphorus" sections of the annual report.		
<b>Parameters</b>	<b>Units</b>	<b>Sample Type</b>
Date of Application	Date	-
Field ID	Number/Name	-
Acres Applied	Number of Acres	-
Slope	Percent	-
Soil Test P Ave.	ppm	-
Manure Source	-	Composite
Current Crop	-	-
Crop Nitrogen Needs (per soil test)	Pounds/Acre	-
Crop P <sub>2</sub> O <sub>5</sub> Needs (per soil test)	Pounds/Acre	-
Manure Analysis: Available Nitrogen	Pounds/1000 Gallons	Calculated
Manure Analysis: Available P <sub>2</sub> O <sub>5</sub>	Pounds/1000 Gallons	Calculated

<p align="center"><b>Annual Report</b></p> <p>Submit an annual report that summarizes all landspreading activity and includes the lab analyses of the manure and other waste landspread, the T compliance worksheet for all fields, and the soil test frequency in the past four years. The Annual Report is due each year by the date specified in the Schedules section of this permit. Nitrogen and phosphorus from all sources including commercial fertilizers shall be included in the "Total Nitrogen" and "Total Phosphorus" sections of the annual report.</p>		
<b>Parameters</b>	<b>Units</b>	<b>Sample Type</b>
Manure Application Rate	Gallons/Acre	-
Manure Applied: Nitrogen	Pounds/Acre	-
Manure Applied: P <sub>2</sub> O <sub>5</sub>	Pounds/Acre	-
Previous Crop	-	-
Legume Nitrogen Credit	Pounds/Acre	-
Second Year Manure Credit	Pounds/Acre	-
Additional Fertilizer: Nitrogen	Pounds/Acre	-
Additional Fertilizer: P <sub>2</sub> O <sub>5</sub>	Pounds/Acre	-
Total Nitrogen Applied	Pounds/Acre	-
Total P <sub>2</sub> O <sub>5</sub> Applied	Pounds/Acre	-
Soil Conditions	Dry, Wet, Frozen, Snow Covered	-
Application Method	Surface Applied, Injected, Incorporated	-
Banked	Yes/No	-
Field Restrictions	Per Nutrient Management Plan	-

## 2 Schedules

### 2.1 Livestock Operations - Monitoring & Inspection Program

Required Action	Date Due
<b>Proposed Monitoring Program:</b> Consistent with the Monitoring Requirements and Limitations subsection, within 90 days of the effective date of this permit the permittee shall submit a proposed monitoring program that includes information on the use of models, visual inspections, rainfall records, or other proposed methods to determine compliance with the effluent limitation specified in the General Discharge Limitations and Performance Standards subsection. The proposed monitoring program shall also address compliance with groundwater standards.	

### 2.2 Manure Management Plan With Phosphorus Limitations

Required Action	Date Due
<b>Management Plan Submittal:</b> Submit a Phosphorous Based Manure Management Plan for approval that meets the conditions outlined in this permit (see conditions in Standard Requirements) and provides for application and utilization of manure and nutrients in a manner that does not cause or contribute to the non-attainment of surface water quality standards and groundwater standards. Once the plan is approved, all landspreading of manure shall be completed in accordance with the Manure Management Plan and in accordance with the land application conditions of this permit.	01/31/2007
<b>Management Plan Annual Update #1:</b> Submit an Annual Update to the Manure Management Plan. Note: In addition to Annual Updates, submit Management Plan Amendments to the Department for written approval prior to implementation of any changes to manure management practices, in accordance with the Manure Management Plan Amendments and Annual Updates subsection in Standard Requirements.	01/31/2008
<b>Management Plan Annual Update #2:</b> Submit an Annual Update to the Manure Management Plan.	01/31/2009
<b>Management Plan Annual Update #3:</b> Submit an Annual Update to the Manure Management Plan.	01/31/2010
<b>Management Plan Annual Update #4:</b> Submit an Annual Update to the Manure Management Plan.	01/31/2011
<b>Ongoing Management Plan Annual Updates:</b> Continue to submit Annual Updates to the Manure Management Plan until permit reissuance has been completed.	

### 2.3 Annual Reports

Submit Annual Reports by January 31 of each year in accordance with the Annual Reports subsection in Standard Requirements.

Required Action	Date Due
<b>Submit Annual Report #1:</b>	01/31/2007
<b>Submit Annual Report #2:</b>	01/31/2008
<b>Submit Annual Report #3:</b>	01/31/2009
<b>Submit Annual Report #4:</b>	01/31/2010

<b>Submit Annual Report #5:</b>	01/31/2011
<b>Ongoing Annual Reports:</b> Continue to submit Annual Reports until permit reissuance has been completed.	

## 3 Standard Requirements

### 3.1 General Conditions

**NR 205, Wisconsin Administrative Code:** The conditions in s. NR 205.07(1), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements. Some of these requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in the Standard Requirement section of this permit can be found in s. NR 205.07(1).

#### 3.1.1 Duty to comply

The permittee shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action, permit revocation or modification, or denial of a permit reissuance application.

#### 3.1.2 Permit Actions

As provided in s. 283.53, Stats., after notice and opportunity for a hearing the permit may be modified or revoked and reissued for cause. If the permittee files a request for a permit modification, revocation or reissuance, or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

#### 3.1.3 Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

#### 3.1.4 Schedules

Reports of compliance or noncompliance with interim and final requirements contained in any schedule of the permit shall be submitted in writing within 14 days after the schedule date, except that progress reports shall be submitted in writing on or before each schedule date for each report. Any report of noncompliance shall include the cause of noncompliance, a description of remedial actions taken and an estimate of the effect of the noncompliance on the permittee's ability to meet the remaining schedule dates.

#### 3.1.5 Inspection and Entry

The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:

- enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit;
- have access to and copy, at reasonable times, any records that are required under the conditions of the permit;
- inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and
- sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

#### 3.1.6 Transfers

A permit is not transferable to any person except after notice to the Department. In the event of a transfer of control of a permitted facility, the prospective owner or operator shall file a new permit application and shall file a stipulation of permit acceptance with the Department WPDES permit section. The Department may require modification or

revocation and reissuance of the permit to change the name of the permittee and to reflect the requirements of ch. 283, Stats.

### **3.1.7 Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.

### **3.1.8 Duty to Provide Information**

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking or reissuing the permit or to determine compliance with the permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permittee.

### **3.1.9 Recording of Results**

For each effluent measurement or sample taken, the permittee shall record the following information.

- The date, exact place, method and time of sampling or measurements;
- The individual who performed the sampling or measurements;
- The date the analysis was performed;
- The individual who performed the analysis;
- The analytical techniques or methods used; and
- The results of the analysis.

### **3.1.10 Spill Reporting**

The permittee shall notify the Department in accordance with ch. NR 706, Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state at a rate or concentration greater than the effluent limitations established in this permit, or the spill or accidental release of the material is unregulated in this permit, unless the spill or release of pollutants has been reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code.

### **3.1.11 Planned Changes**

In accordance with ss. 283.31(4)(b) and 283.59, Stats., the permittee shall report to the Department any facility expansion, production increase or process modifications which will result in new, different or increased discharges of pollutants. The report shall either be a new permit application, or if the new discharge will not violate the effluent limitations of this permit, a written notice of the new, different or increased discharge. The notice shall contain a description of the new activities, an estimate of the new, different or increased discharge of pollutants and a description of the effect of the new or increased discharge on existing waste treatment facilities. Following receipt of this report, the Department may modify this permit to specify and limit any pollutants not previously regulated in the permit.

### **3.1.12 Proper Operation and Maintenance**

- The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit.
- For all liquid containment or storage facilities, the permittee shall maintain adequate freeboard at all times to avoid overtopping. Adequate freeboard is defined as follows:

(a) At least 12 inches of freeboard, unless greater freeboard is required under par. (b).

(b) The permittee shall calculate the amount of freeboard necessary to contain direct precipitation and runoff from a 25-year, 24-hour storm. Information on how this freeboard was calculated shall be submitted for Department approval as part of the Manure Management Plan. If freeboard calculated under (b) is greater than 12 inches, freeboard calculated under (b) shall be maintained and considered the required freeboard upon approval by the Department.

The permittee shall clearly mark the appropriate freeboard level on containment and storage facilities. Failure to maintain adequate freeboard at all times is a permit violation and shall be reported to the Department in accordance with the timeframes specified in the Noncompliance-24 Hour Reporting subsection in the Standard Requirements. In addition, the permittee shall promptly remove stored materials from the storage or containment facility to achieve the required freeboard if the materials can be landspread in compliance with the permit and Manure Management Plan.

- Disposal of chemicals in containment or storage structures, without prior Department approval, is prohibited.
- In accordance with the procedures and frequency outlined in the permittee's approved Manure Management Plan, landspreading equipment shall be periodically calibrated to ensure accurate application rates for manure and other process wastewaters.

### **3.1.13 Manure Storage Facility Closure and Abandonment**

If the operator plans to close or abandon manure storage facilities, the facilities shall be closed or abandoned in accordance with NRCS Standard 360 (June 2001). A closure or abandonment plan shall be submitted to the Department and prior written approval must be granted before closing the facility. Closure or abandonment of a manure storage facility shall occur when manure has not been added or removed for a period of 24 months, unless the owner or operator can provide information to the Department that the structure is designed to store manure for a longer period of time or that the storage structure will be utilized within a specific period of time.

### **3.1.14 Records Retention**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 5 years from the date of the sample, measurement, report or application. The Department may request that this period be extended by issuing a public notice to modify the permit to extend this period.

### **3.1.15 Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the department, it shall promptly submit such facts or correct information to the department.

### 3.1.16 Noncompliance - 24 Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. This includes any upset which exceeds any effluent limitation in the permit, or violations of the discharge limitations listed in the permit.

NOTE: Section 292.11(2)(a), Wisconsin Statutes, requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the Department of Natural Resources **immediately** of any discharge not authorized by the permit. The discharge of a hazardous substance that is not authorized by this permit or that violates this permit may be a hazardous substance spill. To report a hazardous substance spill, call DNR's 24-hour HOTLINE at **1-800-943-0003**.

### 3.1.17 Reports and Submittal Certification

Signature(s) on reports required by this permit shall certify to the best of the permittee's knowledge the reports to be true, complete and accurate. All reports required by this permit shall be signed:

- for a corporation by a principal executive officer of at least the level of Vice President or his duly authorized representative having overall responsibility for the operation of the facility of which this permit issued,
- for a partnership by a general partner, and
- for a sole proprietorship by the proprietor.

### 3.1.18 Duty to Maintain Permit Coverage

No later than 180 days before the permit expiration date specified on this permit, the permittee shall submit an application to continue permit coverage except if:

- The permittee has ceased operation or is no longer defined as a Concentrated Animal Feeding Operation under ch. NR 243, Wis. Adm. Code, and
- The permittee has demonstrated to the Department that there is no remaining potential for a discharge of manure or process wastewater to navigable waters.

## 3.2 Livestock Operations Requirements

### 3.2.1 Manure Management Plan Content

A written Manure Management Plan shall be submitted to the Department for approval that provides for utilization of manure and process wastewater in an environmentally acceptable manner. For purposes of the Manure Management Plan, all references to manure include process wastewater. The plan shall address all the requirements listed in this permit and be developed by a certified crop consultant or other qualified individual. Additionally, the plan shall include:

#### 3.2.1.1 Aerial Photographs

Aerial photographs of the proposed fields containing:

- boundaries and identification numbers for all crop fields, pastures and manure spreading sites;
- identification of fields or portions of fields with manure spreading restrictions including locations of waterways, lakes, ponds, marshes, water supply wells; and
- acreage and any other pertinent field information.

### **3.2.1.2 Plat Maps and Soil Maps**

- plat maps of the proposed fields locating roads and identifying landowner's names; and
- soil survey maps of the proposed fields (including soil types and slopes).

### **3.2.1.3 Annual Manure Measurements**

- the total amount of manure produced on an annual basis; and
- the total amount of manure to be landspread on an annual basis.

### **3.2.1.4 Manure Storage Information and Discharge/Disposal Methods**

- the available manure storage capacity (gallons and total number of days);
- the amount of required freeboard (12 inches or other amount as specified in the Proper Operation and Maintenance subsection of the Standard Requirements, whichever is greater)
- the frequency of application per twelve month period;
- the normal method of manure application and incorporation;
- other methods (besides landspreading) utilized by the permittee for the disposal of manure,
- method and frequency of calibration for land application equipment, and
- method of disposal of animal carcasses.

### **3.2.1.5 Detailed Landspreading Information**

- a description of the waste being landspread (examples: manure, bedding, wash waters, runoff water, whey, municipal sludge);
- a crop history identifying the previous season's crops and future cropping plans for each field where manure is to be spread, including estimated nutrient uptake;
- an estimate of the total amount of nutrients from all sources of manure, on an annual basis;
- proposed nutrient application rates for each field where manure is to be spread, based on laboratory analysis of manure samples;
- results of laboratory analysis of soil samples;
- method of analysis for manure and soil samples; and
- NRCS form WI-CPA-15, or equivalent, documenting that field is being cropped to meet tolerable soil loss ("T").

### **3.2.1.6 Landspreading Site Criteria**

- criteria to be used for verifying that new/proposed landspreading sites meet locational requirements of the permit.

### **3.2.1.7 Composting Information**

- compost management details including the amount and type of material composted, and leachate collection and disposal methods.

### **3.2.1.8 Example Worksheets, Daily Log Sheets and Annual Landspreading Reports**

Example worksheets outlining the process in determining appropriate spreading rates for landspreading sites, including:

- a crop history identifying the previous season's crops and future cropping plans for each field where manure, litter, sludges and litter/compost leachate is to be spread, including estimated nutrient uptake;
- proposed nutrient application rates for each field where manure, litter, sludges and litter/compost leachate is to be spread, based on laboratory analysis of manure, litter, sludges and litter/compost leachate samples;
- example copies of the daily log sheets; and
- example copies of annual landspreading report forms.

### **3.2.1.9 Milkhouse Wastewater Information**

- milkhouse wastewater disposal methods.

### **3.2.2 Scheduled Permit Requirements (EXISTING/EXPANDING SOURCES ONLY)**

The requirements in this section shall be followed and become effective on: December 31, 2006, or according to written Department notification of promulgated revisions to ch. NR 243, Wis. Adm. Code; whichever date is earlier. By the earlier date, the permittee shall submit an amendment to their Manure Management Plan to the Department and make other operational changes that are consistent with the requirements in this section and the promulgated revisions to ch. NR 243.

- Manure or other process wastewaters may not be applied within 100 feet of down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads or other conduits to surface waters. In lieu of this 100 foot setback, the permittee, upon approval by the department, may abide by either of the following restrictions (subpars. 1. or 2.) for land application activities:
  1. A 35 foot wide vegetated buffer from down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads or other conduits to surface waters may be established on fields. Manure and process wastewaters may not be applied in the 35 foot vegetated buffer area, or
  2. Implement alternative conservation practices that are the equivalent of the 100 foot setback and are consistent with the requirements of ch. NR 243.
- In addition, in accordance with revisions to ch. NR 243, the permittee shall:
  - Address additional requirements for timing of application of manure and other process wastewaters in the plan.
  - Address additional requirements for adequate storage of manure and other process wastewaters in the plan.
  - Monitor and record weather conditions during land application activities.
  - Analyze soil, manure and wastewater using Department approved procedures and methods.
  - For land application activities, assess and minimize nitrogen and phosphorus transport to navigable waters in the plan.

### **3.2.3 Manure Management Plan Approvals**

The Department reserves the right to review the Manure Management Plan on an annual basis for application rates and cover crop nutrient removal rates, as well as the timing and methods of application. If the Department determines that a landspreading site is no longer acceptable, the permittee shall modify the Manure Management Plan to remove the site from the plan. In addition, if the Department determines application rates need to be adjusted for individual fields, the permittee shall modify the Manure Management Plan. All Department initiated modifications shall be completed by the permittee within 3 months of written notification from the Department.

### 3.2.4 Manure Management Plan Amendments and Annual Updates

**Amendments:** Proposed changes to manure management activities shall be submitted to the Department in writing for approval prior to implementation, as an Amendment to the Manure Management Plan. Changes requiring a plan amendment include, but are not limited to, application rates, new spreading sites, changes in the number of livestock, changes in manure storage procedures, or change in the type of manure spreading equipment. In addition, all approved amendments in a given year shall be included in the Annual Update.

**Annual Updates:** The Manure Management Plan shall be updated annually to reflect changes over the previous year (including incorporation of the previous year's amendments and new soil test results) and to record projected changes for the upcoming year. Annual Updates are due by the date specified in the Schedules section of the permit.

### 3.2.5 Spreading Sites Submittals

The permittee shall submit written requests for approval for all landspreading sites not found in the approved management plan. The permittee shall obtain written Department approval prior to use of the site for landspreading. The following items shall be included in the request for site approval:

- an aerial photograph and plat map locating the spreading site,
- an unique site identification number,
- criteria used to verify the site meets locational requirements of the permit,
- a completed worksheet outlining the process in determining appropriate spreading rates for each additional site,
- completed NRCS form WI-CPA-15 demonstrating that the field(s) in question meet tolerable soil loss rate,
- maps that show where land application is prohibited or restricted as indicated in the Aerial Photograph subsection of the Manure Management Plan Content section,
- nutrient budget information demonstrating that nutrients will not be over-applied, and
- soil samples if available for one-time applications. If permittee wishes to use the site for subsequent applications, soil samples shall be submitted prior to additional landspreading.

### 3.2.6 Manure Spreading Prohibitions

Manure shall not be spread:

- in a waterway, terrace channel or any areas where there may be a concentration of runoff; or
- on fields with soils less than 10 inches thick over fractured bedrock.

### 3.2.7 Incorporation Within 72 Hours

Manure shall not be applied under the following conditions unless injected or incorporated within 72 hours:

- within the 10 year floodplain or within 200 feet of streams, rivers or lakes, whichever is greater;
- within 200 feet upgradient of sinkholes, cracked bedrock or wells; or
- within 300 feet of open tile intakes.

### 3.2.8 Frozen Ground

Manure shall not be applied on frozen or snow covered ground in the following areas:

- within the 10 year floodplain or within 200 feet of streams, rivers or lakes, whichever is greater;
- within 200 feet upgradient of sinkholes, cracked bedrock or wells;
- on fields with shallow soils that are 10 to 20 inches thick over fractured bedrock; or
- on slopes greater than 9%, (variances are available for stripped cropped land, prior approval needed).

### 3.2.9 Field Spreading of Manure

For fields receiving manure:

- soil sampling shall occur at least every four years (analyzed by an approved laboratory);
- a field by field nutrient budget shall be developed, consistent with University of Wisconsin - Extension Service recommendations;
- necessary conservation practices shall be applied to the land so that the soil loss tolerance will not be exceeded;
- the amount of manure applied to the soil on an annual basis shall not exceed the nitrogen requirements of the crops to be grown; and
- a complete analysis of nutrients, and appropriate chemicals and heavy metals shall be made when also applying municipal and industrial wastes.

### **3.2.10 Non-Cropland Applications**

Manure may be applied to non-cropland if pre-approval in writing is issued by the Department. Considerations for approval may include acceptable application timing, amounts and methods.

### **3.2.11 Surface Applied Manure Prohibitions**

Surface applied manures shall not:

- run off the intended site at any time.
- pond on the intended site at any time.

### **3.2.12 Mortality Management**

Animal carcasses may not be disposed of in a manner that results in a discharge of pollutants to navigable waters or contributes to non-attainment of groundwater standards. Animal carcasses may not be disposed of directly into waters of the state. In addition, carcasses may not be disposed of in liquid containment or storage facilities not specifically approved by the Department to contain carcasses.

[NOTE: The permittee should be aware that there are additional restrictions on the disposal of animal carcasses in ch. 95, Stats., and ATCP 3, Wis. Adm. Code. Furthermore, there may be local regulations regarding disposal of carcasses. If a carcass is disposed of off-site, the disposal may be subject to the requirements in ch. NR 502.12 or 518, Wis. Adm. Code]

### **3.2.13 Plans and Specifications**

Plans and specifications for new or upgraded storage facilities or for new or upgraded runoff control systems shall be submitted for approval in accordance with ch. 281.41, Stats., and ch. NR 108, Wis. Adm. Code. Post construction documentation for these projects shall be submitted within 60 days of completion of the project, or as otherwise specified by the Department.

### **3.2.14 Manure Storage Facility, Composting and Compost Leachate Containment Systems - Installation Plan Requirements**

New construction of manure storage/composting facilities shall be in accordance with USDA Natural Resources Conservation (NRCS) Standard No. 313, Waste Storage Facility from Section IV of the Wisconsin Field Office Technical Guide and any local zoning ordinances, if applicable. Exemptions to the design criteria may be given on a case-by-case basis. Prior written approval is required. The following (minimum) information shall be included in the plans and specifications submitted for the new construction of a manure storage facility(s) or composting system(s) (three complete copies are required):

- the adequacy of each facility's proposed linings to prevent exfiltration of manure and other contaminants to groundwater and the facility's ability to permanently meet the conditions in the General Discharge Limitations and Performance Standards subsection;
- the proximity of bedrock and the water table to the proposed elevation of each facility's floors verified through on-site soil test borings or pits;
- scaled drawings showing the locations of each proposed storage unit, any surface water, water supply wells, property boundaries, and other pertinent information;
- details concerning the proposed materials of construction;
- relevant engineering calculations; and
- each proposed storage facility's ability to meet the intent of the performance criteria and specifications outlined in NRCS Standard No. 313, Waste Storage Facility contained in the Technical Guide.

### **3.2.15 Runoff Control Systems - Installation Plan Requirements**

New construction of runoff control systems shall be in accordance with NRCS Standards, from the Wisconsin Field Office Technical Guide and any local zoning ordinances, if applicable. Exemptions to the design criteria may be given on a case-by-case basis. Prior written approval is required. The following (minimum) information shall be included in the plans and specifications submitted for the new construction of a runoff control system(s) (three complete copies are required):

- the adequacy of each proposed system to permanently meet the conditions in the General Discharge Limitations and Performance Standards subsection;
- the proximity of bedrock and the water table to the proposed elevation of each system's floors verified through on-site soil test borings or pits;
- scaled drawings showing the locations of each proposed system, any surface water, water supply wells, property boundaries, and other pertinent information;
- details concerning the proposed materials of construction;
- relevant engineering calculations; and
- a full description of the system's proposed components, including any reference to practices specified in the USDA NRCS Technical Guide, Section IV.

### **3.2.16 Quarterly Inspection Reports**

The written quarterly inspection reports shall include at a minimum the following information:

- the date and name of person(s) performing the inspection;
- an inspection description (including components inspected);

- details of what was discovered during the inspection;
- recommendations for repair or maintenance; and
- any actions taken.

### **3.2.17 Annual Reports**

Annual Reports are due each year by the date specified in the Schedules section of this permit. The permittee shall submit annual reports for all manure, compost, compost leachate and other process wastewater that is landspread. These Annual Reports will cover the previous calendar year or cropping year, and shall include lab analyses of the wastes landspread. Also due with the Annual Reports is a Monitoring and Inspection Program Report for the animal production area of the operation and land application equipment inspections. The Monitoring and Inspection Program Report shall include identified permit violations and dates of occurrence (including overflows of liquid storage and containment structures and number of missed inspections), corrective actions taken, recorded levels of materials in liquid storage and containment structures and other recorded information requested by the Department in writing.

## 4 Summary of Reports Due

FOR INFORMATIONAL PURPOSES ONLY

Description	Date	Page
Livestock Operations - Monitoring & Inspection Program -Proposed Monitoring Program	See Permit	9
Manure Management Plan With Phosphorus Limitations -Management Plan Submittal	January 31, 2007	9
Manure Management Plan With Phosphorus Limitations -Management Plan Annual Update #1	January 31, 2008	9
Manure Management Plan With Phosphorus Limitations -Management Plan Annual Update #2	January 31, 2009	9
Manure Management Plan With Phosphorus Limitations -Management Plan Annual Update #3	January 31, 2010	9
Manure Management Plan With Phosphorus Limitations -Management Plan Annual Update #4	January 31, 2011	9
Manure Management Plan With Phosphorus Limitations -Ongoing Management Plan Annual Updates	See Permit	9
Annual Reports -Submit Annual Report #1	January 31, 2007	9
Annual Reports -Submit Annual Report #2	January 31, 2008	9
Annual Reports -Submit Annual Report #3	January 31, 2009	9
Annual Reports -Submit Annual Report #4	January 31, 2010	9
Annual Reports -Submit Annual Report #5	January 31, 2011	10
Annual Reports -Ongoing Annual Reports	See Permit	10

All submittals required by this permit shall be submitted to the Northeast Region, 2984 Shawano Avenue, P.O. Box 10448, Green Bay, WI 54307-0448, except as follows. Report forms shall be submitted to the address printed on the report form. Any facility plans or plans and specifications for municipal, industrial pretreatment and non industrial wastewater systems shall be submitted to the Regional Plan Reviewer (as designated at [www.dnr.state.wi.us/org/water/wm/consultant.htm](http://www.dnr.state.wi.us/org/water/wm/consultant.htm)). Any construction plans and specifications for industrial wastewater systems shall be submitted to the Bureau of Watershed Management, P.O. Box 7921, Madison, WI 53707-7921.